



Citizen Police Advisory Review Board

Notes

The Citizen Police Advisory Review Board met on Tuesday, February 20, 2007 at 5:36 p.m. at the Downtown Library, Basement, 101 N. Stone, Tucson, Arizona.

1. Call to Order/Roll Call

Members Present:

Susan Thornton, Vice Chair
Ed Ware
Tom Clark
Cindy Schiesel, Chair
Michael Elsner

Representing:

Mayor
Ward 1
Ward 2
Ward 4
Ward 6

Absent Members:

Evelyn Alvarez Ward 3

Advisory Members Present:

Joaquin Murrieta
Daniel Knieter

Absent Advisory Members:

Jennifer Lopez
Joel Patterson

Ex-Officio Non-Voting Members Present:

Liana Perez, Equal Opportunity Employment, Independent Police Auditor
Captain Bob Shoun, Tucson Police Department

Others Present:

Kris Page-Iverson, City Attorney's Office
Meredith Gierke, Tucson Police Department
Captain George Stoner, Tucson Police Department
Lieutenant Ron Stitso, Tucson Police Department
Sergeant Paul Sayre, Tucson Police Department
Paul Lovelis, Guest
Beth Tidwell, Recording Secretary, City Clerk's Office

2. Approval of Notes of January 17, 2007

Motion by Tom Clark, duly seconded, and carried by a voice vote of 5 to 0 (Evelyn Alvarez absent) to approve the notes of January 17, 2007.

3. Call to the Audience

There was no one present.

4. Introduction of New Advisory Board Member

Mr. Patterson, the new Advisory Board Member, was not present for introductions.

5. Presentation by TPD on Plans and Preparation for March Madness

Captain George Stoner, Tucson Police Department, stated he was in charge of the specialized response division. He informed the Board his responsibilities included preparation and oversight of certain large response areas including public disturbances. In this particular case it included basketball celebrations that might occur, but it looked unlikely that there would be any problems this year. However, they continued to develop plans, particularly in line with the 2001 riots and all of the recommendations that came out of it. He said the Police Department continued to be involved with businesses in the neighborhoods advising them of the operating plans for crowd control.

Captain Stoner said their approach was no tolerance of criminal conduct. He affirmed they did what they could to ensure the public had a safe, enjoyable evening watching the game and celebrating. He stated there were traffic flow plans and there was a new piece added to that. He said it addressed one of the original concerns, which was how the police communicated with people on the street. Captain Stoner said in 2001 they had a problem with being heard by the crowds. He announced the Police Department had acquired a device called the Mach Four Long Range Talking Device. He declared it was a highly sophisticated directional speaker system. He said it could project sound for up to a mile. Captain Stoner said it would make it easier to disperse a crowd or give directions.

Captain Stoner said in the event it became necessary to move crowds they would do so in a different way than they did in 2001. They would be using gas. He said it would go through an entire crowd as opposed to just dealing with the front line individuals. He suggested gas was more efficient and effective.

The Board asked if the Mach Four was a portable device.

Captain Stoner said it was. He mentioned the police would be attaching it to a vehicle during use. He said the police officers would be trained on how to use the Mach Four properly.

The Board asked if the University of Arizona police would be involved in a situation.

Captain Stoner replied they would be around the University. He said the University Police and the Tucson Police department communicated with each other and they kept each other posted as to what was happening around different venue areas.

The Board asked if the volume on the Mach Four would impose a dangerous situation for people who were in a close proximity.

Captain Stoner said it was adjustable and could be used at adjustable volumes.

6. Office of Independent Police Auditor

(Note: This item was taken out of order and considered after Item 7)

7. Tucson Police Department

A. TPD Updates

There was no discussion.

Captain Bob Shoun, Tucson Police Department, distributed a map showing gang activity through out Tucson.

Captain Shoun explained the gangs no longer covered a territory but were spread out all over Tucson. He said gangs have membership but not necessarily a territory.

Captain Shoun gave the board a reference sheet pertaining to the Tucson Police Departments chain of command.

B. Office of Internal Affairs

There was no discussion.

6. Office of Independent Police Auditor

(Note: This Item was taken out of order)

A. Outreach Report

Liana Perez, Independent Police Auditor, said that January was a slow month for complaints.

Ms. Perez informed the Board that she did two outreach presentations to high schools in the month of January. She said since the video was complete they would be stepping up the outreach in the schools.

Ms. Perez requested the Board look over their brochure and see if there were any updates or changes they wanted to make. She stated when she gave outreach presentations she also handed out the Citizen Police Advisory Review Board (CPARB) brochures.

B. Monthly Contacts

The Board asked if it was policy that the Police Department was not allowed to ask anyone's citizenship status.

Ms. Perez asked if they were referring to the lady with the dog.

The Board replied yes.

Ms. Perez said it had been her understanding that the police did not ask citizenship status. She claimed that was the reason why the complaint was taken. The officer had asked the lady her citizenship status.

Ms. Perez said the Board could track this case if they would like.

The Board said they wanted to.

8. Random Review of TPD Investigations

Lieutenant Wilson said when he was reviewing the cases it became apparent to him that three of the cases stated "see transcripts for interview", but no transcripts were included. He said there was an error on the police department's part. He informed the Board the error had been rectified. He said they were now using an out source for transcribing that has a five to seven business day turn around. Lieutenant Wilson said he could get them transcribed and sent over to the City Clerk's Office for the next meeting if the Board wanted him to do that. He stated that one case was correct. It was case #06-0673

1. Case #06-0608 was not reviewed.
2. Case #06-0265 was not reviewed.
3. Case #06-0629 was not reviewed.
4. Case #06-0673

Chair Schiesel said this case came to them after a phone message from the plaintiff. He was unhappy and stated he would get a list to the Board informing them of what he was unhappy about. Chair Schiesel said she did not get anything from the gentleman. She mentioned she had spoken to him on two occasions. The original issue came from a statement questioning his mental stability.

Lieutenant Wilson acknowledged the officer was familiar with the man. Lieutenant Wilson said there was nothing in their systems stating the gentleman was mentally ill, this was just an observation the officer had made.

The Board said they did not think it was an appropriate commentary.

Lieutenant Wilson pointed out it was not a diagnosis by any means but an observation. He said officers were trained to make observations. The person had odd behavior before. The records show there were around fifty 911 calls from this person and there were issues outstanding from where the person lived before.

Case #06-0673 was found to be a fair and thorough investigation by a voice vote of 5 to 0 (Evelyn Alvarez was absent).

9. Recess

By consensus, the Board decided to forego a recess.

10. Presentation, Discussion, and Review of “A Little 4-1-1 for You”

Liana Perez, Independent Police Auditor, presented the Board with a short movie. The film was created to assist youth in understanding their rights. It gave them information on how to respond to interaction with the police. The film informed them of crimes and consequences. The film will be shown to students throughout different educational facilities.

Ms. Perez thanked Chief Miranda for approving the monies to create the film.

The Board spoke positively about the film and its proposed use.

11. Review of Citizen Comments submitted to Mayor and Council in reference to TPD during the past month

Chair Schiesel asked about the resolution to the case of the missing items.

Meredith Gierke, Tucson Police Department, said several years ago a burglary occurred at the callers home and she still calls periodically in reference to the case.

Ms. Gierke had spoken to the caller and she was unsatisfied with the way the officers investigated the crime. Ms. Gierke informed the caller she could make a complaint and in the future, if something occurred she could request to speak to the officers' supervisor.

Michael Elsner asked about whiting out names and addresses on the forms.

Ms. Gierke said it was private information and the individuals had not given the Police Department permission to give out their personal information to anyone else. There were certain things they had to redact.

Kris Page-Iverson, City Attorney's Office, gave details about the Mayor and Council comments, she said they were temporarily released and they had to be recollected. She stated they were handled differently than the cases that went through internal affairs.

Michael Elsner asked if the Board could get the transcripts instead of a summary.

Chair Schiesel said she thought it had always been a summary because eventually the complaints could go to the Independent Police Auditor or Internal Affairs for an investigation.

Tom Clark said he was concerned about the car jacking comments. He pointed out most of the comments came from out of town people. He said from the comment the individual made, he was car jacked right in front of the motel and dragged by the vehicle and no one tried to stop it. Tom Clark said the message implied when the victim called the police, the police gave him a hard time thinking he was involved with drugs.

Sergeant Paul Sayre, Tucson Police Department, stated there were a lot of credibility issues with the person who made the report. He confirmed the person was not the owner of the truck. He said when they notified the owner there was some questions about the theft itself and where the person was located. The initial responding officer

had difficulty getting information from the person whom the truck and motorcycle were stolen from. He pointed out when the person who had the truck and motorcycle told the owner what had happened and the owner came to some conclusions based on what he was told. Captain Sayre said the owner filed his complaint as well as his dissatisfaction with the Tucson Police Department and the investigation through the racing circle. He noted that was where the comments were being generated from.

Sergeant Sayre said the person's demeanor and level of cooperation with the police during the investigation belied his comments.

Captain Bob Shoun, Tucson Police Department, stated the letter that was put into the Racing World magazine was one sided.

Chair Schiesel asked if anyone involved filed a complaint.

Sergeant Sayre replied no. He said the comments were third party complaints.

Sergeant Sayre confirmed the auto theft sergeant did respond to the initial complaint. The chain of command had looked into this case. He said the Board was seeing one sided comments from people who had incomplete information.

The Board asked about the complaint concerning the man in the hospital and his father was not allowed to visit him.

Meredith Gierke, Tucson Police Department, said the man was in the hospital but in custody of the jail. It meant there were different procedures for visitation. The gentleman was informed about the process by the hospital. He had to go through the jail in order to visit his son. She mentioned the comments were not made by the father, but from an ex-wife who was not present during the ordeal.

12. Report from the Chair/Announcements

Tom Clark said he did not get a rough draft copy of the annual report.

Chair Schiesel informed him it did not have to be done that way. She said because of time restraints she had to complete it and turn it in.

Michael Elsner stated he felt it was not a report with statistics and numbers but a letter and he was displeased with the process.

Kris Page-Iverson, City Attorney's Office, confirmed the way the Chair handled it was acceptable. She said the Tucson Code did specifically say the Chairperson was the official spokesperson for the Board. The Chairperson was the one authorized to make a written or oral report.

Tom Clark remarked that he thought the process needed to be reviewed.

Michael Elsner said in regard to the Speedway recruitment office and the April 10, 2006 demonstrations they had documents he thought should have been included in the report.

Susan Thornton talked about putting the report on a meeting agenda prior to the next deadline.

The Board agreed to put it on an agenda toward the end of the year.

Chair Schiesel informed the Board in the past there was only a review by the Board for grammatical corrections.

13. Election of New Chairperson and vice-Chairperson

*Motion to appoint Tom Clark as chairperson, duly seconded, passed by a voice vote of 3 to 2.

Motion to appoint Evelyn Alvarez as Vice-Chairperson, duly seconded.

Motion withdrawn due to nominee being absent.

*Note: Election of Tom Clark as Chairperson declared invalid per Tucson Code 10A-91 which states that the Citizen Police Advisory Review Board chairperson and vice chairperson shall be selected by a majority of those members appointed by the mayor and council. Therefore, four affirmative votes are required.

This item will be reconsidered on March 20, 2007.

*Attachment from Kris Page-Iverson, City Attorney's Office, explaining the election process.

14. Future Agenda Items

Tom Clark requested to speak with Lieutenant Wilson about the relationship the Board had with the police.

Chair Schiesel requested a presentation on domestic violence in the future, and asked for a presentation on Megan's Law for the next meeting so the Board could be more informed with regard to a case to be reviewed in March.

15. Adjournment – 7:37



MEMORANDUM

DATE: February 21, 2007

TO: Cindy Schiesel
CPARB Chairperson

FROM: Kris Page-Iverson
Senior Assistant City Attorney

SUBJECT: Citizen Police Advisory Review Board (CPARB)
February 20, 2007, Election of Chairperson

At its regular meeting on February 20, 2007, CPARB's members conducted an election for a new Chairperson, pursuant to Article III, paragraph 2 of the Board's Rules and Regulations ("The Chairperson and Vice Chairperson shall be elected at the February meeting.").

Five members of the Board were present for the meeting and voted in the election. A nomination for Tom Clark as Chairperson was made and duly seconded, and the Board voted. It appeared to me at the meeting that the Board voted unanimously in favor of Mr. Clark's selection as Chairperson, with two members voting slightly later than the other three. I learned this morning that, in fact, the vote was 3-2 in favor of Mr. Clark's selection.

Tucson City Code § 10A-91 provides that "[t]he citizen police advisory review board chairperson and vice-chairperson shall be selected by **a majority of those members appointed by the mayor and council.**" Because this provision does not require the vote of a majority of those voting members present at the meeting, but instead requires the vote of the majority of those appointed, four votes in favor of any nominee are required in order to select a chairperson or vice-chairperson.

Consequently, the election of Mr. Clark as Chairperson at last night's meeting is invalid, and the Board will have to hold another election.

Please let me know if you have any questions or concerns regarding this matter.

cc: Ms. Beth Tidwell, City Clerk's Office
Mike Rankin, City Attorney

Attachment:1

